

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version:	SCS CSHB 172(FIN)
Fiscal Note Number:	10
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Identifier: HB172CS(FIN)am-JUD-ACS-TRC-05-11-22  
Title: MENTAL HEALTH FACILITIES; MEDS; PATIENTS  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Senate Finance

Department: Judiciary  
Appropriation: Alaska Court System  
Allocation: Trial Courts  
OMB Component Number: 768

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2023	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Personal Services	291.8		291.8	291.8	291.8	291.8	291.8
Travel							
Services	8.0		8.0	8.0	8.0	8.0	8.0
Commodities	6.0		6.0	6.0	6.0	6.0	6.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>305.8</b>	<b>0.0</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>

## Fund Source (Operating Only)

1037 GF/MH (UGF)	305.8		305.8	305.8	305.8	305.8	305.8
<b>Total</b>	<b>305.8</b>	<b>0.0</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>

## Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
Part-time	1.0		1.0	1.0	1.0	1.0	1.0
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2023) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? 0

(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NA

If yes, by what date are the regulations to be adopted, amended or repealed? NA

## Why this fiscal note differs from previous version/comments:

Updated to account for amendment 2 adopted on House floor 5/9/22 .

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## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

## Analysis

The version of House Bill 172 that passed the House on May 10, 2022 establishes an alternative placement option for individuals experiencing mental health crises. When a peace officer or medical professional determines that a person who could otherwise be arrested (sec. 1) or who is experiencing a mental health crisis requiring intervention, but that it is not necessary to initiate an involuntary mental health commitment process, the person can instead be admitted to a subacute mental health facility to be held and stabilized.

A person who is admitted to one of the crisis stabilization centers involuntarily will be examined and, if a mental health professional seeks to have the person detained longer, will be the subject of an ex parte application to the court (sec. 14; AS 47.30.707(b)) to have them detained for up to seven days in a crisis residential center. Then, if the court grants the ex parte application, the court must set a hearing within 72 hours of the first admission to a facility, and the court must notify a list of interested persons of the hearing. (Sec. 14; AS 47.30.708(d)). House Bill 172 will require the court system to respond quickly to these emergency detentions, and to do so in many cases on an ex parte basis.

Sections 14 and 18 revise the way that the computation of periods of time are made. Specifically, the 72-hour detention period during which the respondent is examined, for detentions at both a crisis residential center and a hospital excludes weekends and holidays, but if the exclusion of those days results in a person being detained for longer than 72 hours, then the hearing must take place on the next business day before 5:00 p.m. The effect of this provision is that the court will be required to have multiple hearings on Mondays (and Tuesdays after a holiday weekend); the hearings will be clustered early in the week rather than being spread out. The court anticipates that the cluster of hearings can be accommodated with an additional clerk in the probate department in Anchorage to handle to expected pace of filings and other paperwork, plus an additional half-time in-court clerk in Anchorage to cover the multiple hearings early in the week

In addition, CSHB 172 requires the court system to provide notice to a list of interested persons when an initial hearing is set in an involuntary mental commitment proceeding. (Sec. 16; AS 47.30.715)

To implement the legislation, the court system will need to prepare appropriate forms for parties and judges to use, establish procedures and workflow processes, draft clerical instructions, make changes to CourtView data entry fields, and provide training to judicial officers and clerks. The court system anticipates that it can accomplish these implementation tasks with minimal fiscal impact.

The court system is unable to determine the number of individuals who may be subject to these proceedings, and how many additional or different court hearings may be required. Therefore, the overall fiscal impact of these operational changes is not able to be determined.

The new requirements for the court to notify the respondent's guardian (this is, if the respondent was previously found to be in need of protection and the court therefore appointed a guardian for the person) when a crisis center admission is sought, as well as when an involuntary mental commitment has begun, is a task that will require additional clerical staff to accomplish. This is largely because the majority of mental commitment proceedings, and most likely a majority of the crisis center admissions created by HB 172, are filed with the court system during non-traditional work hours. The Anchorage court is staffed by a magistrate to handle these filings on nights and weekends; that magistrate is quite busy also handling after-hours domestic violence protective order filings, emergency child in need of aid filings, other emergency protective proceeding filings, bail hearings, arrest and search warrant applications, etc. The additional new task of researching the respondents' status as a protected person, and notifying the guardian of the next hearing, cannot reasonably be performed by that magistrate in light of his or her other obligations, and so will need to be handled by a clerk. The court anticipates that the existing probate staff during the daytime can assist with the notification tasks for some of these proceedings, but having existing staff do so for all the after-hours proceedings is not feasible.

This fiscal note will therefore cover two Range 12 clerks to share the hours on weekends and nights so that the added tasks of notifying guardians called for by HB 172 can be adequately accomplished; in addition the fiscal note covers a probate clerk to handle the influx of hearing-related matters early in the week, and a half time in-court clerk to handle the hearings early in the week.